

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EDUARDO ALMODOVAR; ET AL.,)	Case No.: 12-02467
)	
Plaintiffs,)	
)	ORDER TO SHOW CAUSE
v.)	
)	
MILA, INC.; ET AL.,)	
)	
Defendants.)	
)	

On May 15, 2012, Plaintiffs Eduardo and Sibyl Amodovar (“Plaintiffs”) filed their complaint in this matter, which was originally assigned to Magistrate Judge Lloyd. ECF No. 1. The case was subsequently reassigned to Judge Koh as the presiding judge and Magistrate Judge Lloyd as the referral judge. ECF No. 8.

169 days have passed since the filing of the complaint, but no proof of service has been filed. Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve a defendant within 120 days after filing the complaint. A court must dismiss a case without prejudice if a plaintiff has not complied with Rule 4(m), unless the plaintiff shows good cause for its failure to serve defendant. Fed. R. Civ. P. 4(m).

Under Rule 4(m), Plaintiffs were required to have filed proof of service by September 11, 2012. Plaintiffs did not. Accordingly, the Court ORDERS Plaintiffs to show cause why this action should not be dismissed for failure to serve the Defendants as required by Rule 4(m). Plaintiffs

1 must file a response to this Order by November 30, 2012. The Court will hold a hearing on this
2 Order to Show Cause on December 12, 2012, at 2:00 p.m. If Plaintiff fails to respond to this Order,
3 and appear at the December 12, 2012 hearing, the Court will dismiss this case without prejudice
4 pursuant to Rule 4(m).

5 **IT IS SO ORDERED.**

6 Dated: October 30, 2012


LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California